

Hello my name is TeJay Harvey and I work as a Correctional Officer at Northern Nevada Correctional Center. I have a few comments following up the discussion of AR 339 Employee code of Ethics and Conduct from the last Board meeting on May 19th. I would like to first thank the board for hearing my concerns and allowing for a closer look at the proposed changes to this AR. Also I would like to let the board know that I.G. Pam Del Porto went out of her way to contact me and discuss some of the issues I brought up concerning AR 339. She was very gracious and we had constructive conversation. After our discussion I do have a better understanding of what inspired the changes to this AR however I still feel the vast changes to AR 339 could usurp the policy for progressive discipline as outlined in **NRS 284.383 State Personnel System**, concerning disciplinary measures.

[The NRS states, “except in cases of serious violations of law or regulations, less severe measures are applied at first, after which more severe measures are applied only if less severe measures have failed to correct the employee’s deficiencies.”]

The changes to this AR include approximately 36 increases to the current disciplinary sanctions including many blanket class violation increases that could result in penalties ranging from a written reprimand up to and including dismissal for the same infraction. It also appears as though the Chart of corrective/ disciplinary sanctions, which itself provides the outlines of possible penalties may have been accidentally omitted from the new AR but is still actively referred to (page 7). It would be difficult to set expectations without the ability to determine what any individual class violation sanction should result in. In summary it is my opinion that these changes could lead to a large variance in disciplinary results throughout the state from one adjudicator to the next.

[Example: Converting seized property to personal use formerly was a class 2 violation punishable according to the Chart of corrective/ disciplinary sanctions by a written reprimand up to suspension. The same offense could now result in a written reprimand up to a class 5 Dismissal.]

I was also hoping to receive clarification on the topic of temporary ARs and the process for input. Quoting from the minutes during the last meeting; “Governor Sandoval asked Director Cox to explain the process that leads up to bringing the AR’s to the Board and how there is outreach to staff for their input. Director Cox explained the step-by-step process ensuring

employee input and engagement in the updating and creation of AR's." This is when Governor Sandoval decided to hold out AR339 for further review and input.

The problem with AR 100 is that 100.01 Section 4 B states, "Any input submitted must relate to the current version of the AR" This resulted prior to both meetings with the AR policy coordinator only asking for input on the current version of the AR not the AR that is being submitted for approval. I emailed AR policy coordinator Maxine Blackwell and asked if she could attach AR 339 as submitted during the May 19 board meeting so other employees may provide input, as I believed this was Governor Sandoval's intent. Mrs. Blackwell responded, "Since this is now the current version, this is the version that must be updated".

AR 100 states that when an AR is scheduled for review input may be submitted regarding the current AR. Next a draft AR may be created (Section 10) and when approved by the Director shall become a temporary AR, "with the full force of policy until presented at the approved meeting of the Board of Prison Commissioners". Section 11 goes on to state, "Temporary A.R.'s can either be approved as a permanent regulation or retained as a temporary AR with recommendations for amendment at the next meeting." In the future, regarding situations like AR339, where vast sweeping changes are being made I believe it would be sensible to seek input on the newly created AR in draft form before it becomes a functioning Temporary AR. It makes no sense to provide input on an AR that is going to be completely striped and reconstructed and then have the administration claim staff was given the opportunity to provide input on the newly created AR.

I'd like to thank you for your attention in this matter, it is very much appreciated.

That concludes my comments.

Sincerely,

Correctional Officer TeJay Harvey